

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Petition for Early
Termination of Probation By:**

Moses E. Wilcox, M.D.

**Physician's and Surgeon's
Certificate No. G 62509**

Respondent.

Case No. 800-2019-059057

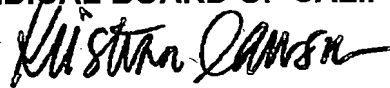
DECISION

The attached Proposed Decision is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on March 4, 2021.

IT IS SO ORDERED February 2, 2021.

MEDICAL BOARD OF CALIFORNIA



**Kristina D. Lawson, J.D., Chair
Panel B**

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Petition for
Early Termination of Probation by:**

**MOSES EDWARD WILCOX, SR., M.D.,
Physician's and Surgeon's Certificate No. G 62509
Petitioner.**

Agency Case No. 800-2019-059057

OAH No. 2020110093

PROPOSED DECISION

Administrative Law Judge Juliet E. Cox, State of California, Office of
Administrative Hearings, heard this matter on January 11, 2021, by videoconference.

Attorney Austin Jones represented petitioner Moses Edward Wilcox, Sr., M.D.,
who was present for the hearing.

Deputy Attorney General Brenda P. Reyes represented the Department of
Justice, Office of the Attorney General.

The matter was submitted for decision on January 11, 2021.

FACTUAL FINDINGS

1. Petitioner Moses Edward Wilcox, Sr., M.D., received Physician's and Surgeon's Certificate No. G 62509 on March 21, 1988. At the time of the hearing this certificate was active, and was scheduled to expire on November 30, 2021. Petitioner was on probation, as described more fully below in Finding 10.

2. In September 2019, petitioner requested early termination of his probation.

Education and Professional Experience

3. Petitioner graduated from medical school in 1975. After an internship year, he completed a two-year residency in general surgery followed by a four-year residency in urology.

4. Petitioner holds or has held medical licenses in Georgia and Louisiana, which he obtained during his residencies. He also holds a medical license in Texas.

5. Petitioner has been in private practice as a urologist since 1982. He became board-certified by the American Board of Urology in 1985, and recertified in 1995 and 2005. He did not recertify in 2015 because of the matters described below in Findings 9 through 13, but he intends to pursue recertification if and when all of his medical licenses are restored to full, active, and non-probationary status.

6. Between November 2018 and February 2019, petitioner completed a four-month fellowship in minimally invasive urologic surgery at Tulane University Medical Center in New Orleans. During these four months, petitioner participated full time in training activities along with other urology residents and fellows, and

performed or assisted in more than 75 surgical procedures. He learned new techniques for prostate and kidney surgeries, including robot-assisted techniques, and he participated in regular meetings such as surgical conferences, morbidity and mortality reviews, and the tumor board.

7. Since 2016, petitioner has completed more than 170 hours of continuing medical education. He has focused on prostate cancer and surgery and on kidney cancer and surgery. In addition to taking classroom and online courses for continuing medical education, petitioner currently is undergoing training to perform a new, high-frequency ultrasound ablation procedure that he believes to be potentially superior to surgery for some urologic problems.

8. The evidence did not establish whether petitioner ever has practiced medicine in California. He has no immediate plans to begin practicing here, but wishes to keep his California medical license in case his plans change.

Disciplinary History

9. On June 10, 2016, the Texas Medical Board entered an order placing petitioner's Texas medical license on probation. The Texas Medical Board took this action after a hospital where petitioner practiced had suspended some of petitioner's surgical privileges out of concern over his skills. As conditions of petitioner's Texas probation, the Texas Medical Board order required him to undergo retraining and proctoring; restricted him from performing certain surgical procedures except as part of his retraining; and required him to take additional continuing medical education courses.

10. Because of the Texas Medical Board order described in Finding 9, the Executive Director of the Medical Board of California filed an accusation against

petitioner in October 2016. The Board entered an order effective April 28, 2017, placing petitioner on probation in California for three years. This order required petitioner to take 25 extra hours of continuing medical education during each year of probation and to have a practice monitor. The order also stated that although time spent in medical practice in another state while on probation in that state would apply toward the three years of petitioner's California probation, the three-year period would toll during any time petitioner spent in practice in another state while not on probation.

11. The fellowship described above in Finding 6 satisfied some of the Texas Medical Board's probation conditions. Petitioner complied with his Texas probation, and the Texas Medical Board terminated it on June 5, 2019.

12. Petitioner has complied with the conditions of his California probation. Termination of petitioner's Texas probation, as stated in Finding 11, has tolled petitioner's California probation; but he has continued to submit quarterly declarations describing his ongoing compliance with the California order.

13. The Texas Medical Board order described above in Finding 9 also caused the Georgia Composite Medical Board to enter a disciplinary order against petitioner. In August 2019, the Georgia Composite Medical Board terminated its restrictions on petitioner's Georgia medical license.

Additional Evidence

14. Petitioner submitted reference letters from two physicians (Samuel J. Harden, M.D., and Ezea Daniel Ede, M.D.) who described their familiarity with petitioner's professional reputation and skill. Both Dr. Harden and Dr. Ede have collaborated with petitioner in patient care, and both of their letters state that they are

familiar with the Texas disciplinary action against petitioner as well as with the recent retraining fellowship described in Finding 6. They recommend termination of petitioner's California probation.

LEGAL CONCLUSIONS

1. The matters stated in Findings 1, 10, and 11 establish petitioner's eligibility to apply for early termination of probation. (Bus. & Prof. Code, § 2307, subd. (b)(2).) In evaluating the petition, the Board may "consider all activities of the petitioner since the disciplinary action was taken, the offense for which the petitioner was disciplined, the petitioner's activities during the time the certificate was in good standing, and the petitioner's rehabilitative efforts, general reputation for truth, and professional ability." (*Id.*, subd. (e).) Petitioner bears the burden of proving, using clear and convincing evidence, that his probation should end.

2. The matters stated in Findings 6, 7, and 14 show that petitioner used his probation as an opportunity not only to refresh but to improve his professional skills. The matters stated in Finding 12 confirm that petitioner has complied fully with all conditions of his California probation, other than the condition that it continue for three full years.

3. As described in Findings 10 through 12, the only reason petitioner's California probation has not ended already is, ironically, that the Texas probation that led to petitioner's California probation ended successfully in 2019. Continuation of petitioner's California probation is not necessary to protect public health and safety.

ORDER

The petition by Moses Edward Wilcox, Sr., M.D., for early termination of probation is granted. California Physician's and Surgeon's Certificate No. G 62509 is restored to unrestricted, active status as of the effective date of this order.

DATE: 01/21/2021


JULIET E. COX

Administrative Law Judge

Office of Administrative Hearings